

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION**

STEPHEN OLIVER,)	
)	
Plaintiff,)	
)	
v.)	CAUSE NO. 1:11-CV-120
)	
TYSON FOODS, INC., et al.,)	
)	
Defendants.)	

OPINION AND ORDER

Before the Court is a motion for agreed protective order seeking approval of a revised proposed protective order pursuant to Federal Rule of Civil Procedure 26(c). (Docket # 29.) Because the proposed order is still deficient in one respect, it will be DENIED.

Paragraphs 7 and 8 of the revised proposed order suggest that any “briefs, pleading, exhibits, transcripts or other documents . . . which contain or refer” to any “Confidential Information” may be filed under seal. However, as explained in the Court’s February 3, 2012, Order (Docket # 27), the proposed order should seek to protect only a narrowly-defined category of information—not all materials that “contain” or “refer” to such information. To that end, the proposed order should incorporate a method of redaction. *Citizens First Nat’l Bank of Princeton v. Cincinnati Ins. Co.*, 178 F.3d 943, 945 (7th Cir. 1999) (stating that an order sealing documents containing confidential information is overly broad because a document containing confidential information may also contain material that is not confidential, in which case a party’s interest in maintaining the confidential information would be adequately protected by redacting only

portions of the document). That is, it should provide for the contemporaneous public filing of a redacted version of the document (in which only the actual “Confidential Information” is redacted) when an unredacted version is filed under seal.

For this reason, the Court DENIES approval of the revised proposed agreed protective order submitted by Defendants (Docket # 29). Of course, the parties may submit a revised protective order that cures this deficiency and is consistent with the requirements of Federal Rule of Civil Procedure 26(c)(1) and Seventh Circuit case law.

SO ORDERED.

Enter for this 7th day of March, 2012.

S/ Roger B. Cosbey
Roger B. Cosbey,
United States Magistrate Judge